

REMARKS

Status of the Claims

Claims 57, 70-71 and 88 are currently pending in this application upon entry of this paper. Relative to the previously pending claim set, claim 57 has been amended to more clearly recite the claimed invention, and claim 77 has been canceled. No new matter has been added by the amendments.

The Claims are Not Obvious

The Office Action rejects claims 57, 70, 71, 77 and 88 as allegedly obvious in view of Mayhew et al. (U.S. Patent 5,580,899) ("Mayhew"). The Office Action states that "Mayhew teaches taxane derivatives for use in treating cancers and exemplifies a C18 fatty acid derivative thereof." *Office Action of 10 June 2009*, page 4. The Office Action continues and states that "Mayhew teaches the attachment of a hydrophobic organic moiety stabilizes the association of the taxane derivative with a lipid carrier in the plasma and, thus, provides motivation to make any of the species of the genus of taxane derivatives of the reference, including those of the instant claims." *Office Action of 10 June 2009*, page 4.

Applicants respectfully disagree with the Examiner and assert and incorporate by reference the previous arguments of record. Nonetheless, to expedite prosecution, Applicants have amended claim 57 and canceled claim 77. Applicants assert that the claim amendments render moot the obviousness rejection. Specifically, Mayhew does not teach or suggest unsaturated fatty acids in combination with the remaining therapeutics listed in the claims. Since Mayhew does not teach each and every limitation of the claimed invention, the cited reference must necessarily fail to render obvious the currently claimed invention. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

CONCLUSIONS

Applicants have amended claim 57 and canceled claim 77 to expedite prosecution and assert that Mayhew does not render obvious the currently pending claims. Applicants respectfully request reconsideration and withdrawal of all outstanding rejections.

Should the Examiner disagree with any of the above arguments, Applicants respectfully request a telephone interview with the Examiner and undersigned attorney for Applicants to advance the prosecution of the application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any necessary fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a Constructive Petition for Extension of Time in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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